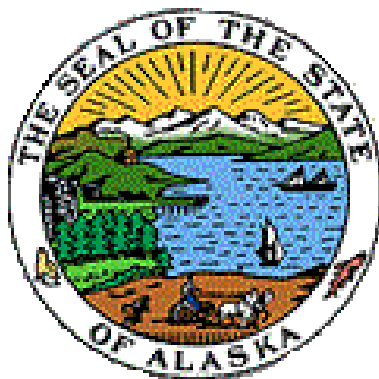


STATE OF ALASKA



SEED REGULATIONS

(Revised October 1987)

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF AGRICULTURE

PALMER, ALASKA
99645

NATURAL RESOURCES
TITLE 11
ALASKA ADMINISTRATIVE CODE
CHAPTER 34
PLANT HEALTH AND QUARANTINE

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SEED REGULATIONS

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TITLE 11. ALASKA ADMINISTRATIVE CODE

DEPARTMENT OF NATURAL RESOURCES DIVISION OF ACRICULTURE

ARTICLE 1. SEED REGULATIONS

34.010. LABELING

(a) Each lot or package of agricultural seed sold or offered for sale within the state must bear on it or have attached to it in a conspicuous place, a legibly written or printed label or tag, in English, providing the following information:

(1) the commonly accepted name of the king and variety of the seed;

(2) the country or state where the seed was grown;

(3) the total percentage by weight of pure seed;

(4) the total percentage by weight of all weed seed;

(5) the total percentage by weight of inert matter;

(6) the total percentage by weight of other crop seed;

(7) the name and approximate number per pound of each kind of restricted noxious weed seed, as listed in 11 AAC 34.020;

(8) the percentage of germination of the agricultural seed, together with the month and year the seed was tested;

(9) the percentage of hard seed, if any is present;

(10) the name and address of the person labeling the seed or selling, offering, or exposing the seed for sale within the state; and

(11) the lot number or other lot identification.

(b) Each lot of **mixed agricultural seed** sold or offered for sale within the state must bear on it or have attached to it in a conspicuous place, a legibly written or printed label or tag, in English, providing the following information:

(1) that the seed is a mixture;

(2) the name and variety and total percentage by weight of each kind of agricultural seed present in order of predominance;

(3) the total percentage by weight of weed seed;

(4) the information listed in (a)(4), (5), (7), (8), (10), and (11) of this section.

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(c) **Vegetable seed in a container of one-half pound or more** sold or offered for sale within the state must bear on the container or have attached to the container in a conspicuous place, a legibly written or printed label or tag, in English, providing the following information:

- (1) the name of the kind and the variety and total percentage by weight; and
- (2) the information listed In (a)(4) — (8), (10), and (11) of this section.

(d) **Vegetable seed in a container of less than one-half pound sold** or offered for sale within the state and which meets the germination standards and tolerances in 7 U.S.C. 1551-1611 (Federal Seed Act) must bear on the container or have attached to the container in a conspicuous place, a legibly written or printed label or tag, in English, providing the following information:

- (1) the name of the kind and variety of the seed;
- (2) the name and address of the person or firm labeling the seed, or selling, offering, or exposing the seed for sale within the state;
- (3) the year packed; and
- (4) the lot number or other identification.

(e) **Vegetable seed in a container of less than one-half pound sold** or offered for sale within the

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(2) that the seed has been preconditioned as to moisture content;

(3) that the germination test is valid for a period of not more than 24 months from the date of germination test for seed offered for sale on a wholesale basis, and for a period of not more than 36 months for seed offered for sale at retail; and

(4) that the germination of seeds at the time of packaging was equal to or above standards and tolerances prescribed in the 7 U.S.C. 1551 — 1611 (Federal Seed Act).

(b) Agricultural seeds, or mixed agricultural seeds, or bulk vegetable seeds, are exempt from the provisions of this section when:

(1) the seeds are grown in or sold within the state to be recleaned before being sold, exposed, or offered for sale for seeding purposes;

(2) the seeds are held for purposes of recleaning; or

(3) the seeds are held or sold for milling for food or for feeding purposes only.

(i) Tetrazolium viability test results are not considered valid germination tests for the purposes of labeling as required by this section.

(j) Hybrid seed, as defined in 7 C.F.R. 201.2(y), must be labeled in accordance with provisions of 7 C.F.R. 201.11(a). (In effect before 7/28/59; am 3/2/78, Reg. 65; am 10/28/83, Reg. 88)

Authority: AS 03.05.010

AS 03.05.030

AS 44.37.030

34.020. PROHIBITED AND RESTRICTED NOXIOUS WEEDS.

(a) The following are prohibited noxious weeds:

Bindweed, field (*Convolvulus arvensis*);

Fieldcress, Austrian (*Rorippa austriaca*);

Galensoga (*Galensoga parviflora*);

Hempnettle (*Galeopsis tetrahit*);

Horsenettle (*Solanum carolinense*);

Knapweed, Russian (*Centaurea repens*);

Lettuce, blue-flowerling (*Lactuca puichella*);

Quackgrass (*Agropyron repens*);

Sowthistle, perennial (*Sonchus arvensis*);

Spurge, leafy (*Euphorbia esula*);

Thistle, Canada (*Cirsium arvensis*); and

Whitetops and its varieties (*Cardaria drabe*, *C. pubescens*, *Lepidium latitolum*).

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(b) The following are restricted noxious weeds, with their maximum allowable tolerances:

Annual bluegrass (*Poa annua*), 90 seeds per pound;
Blue burr (*Lappula echinata*), 18 seeds per pound;
Mustard (*Brassica kaber, juncea*), 36 seeds per pound;
Oats, wild (*Avena fatua*), seven seeds per pound;
Plantain, buckhorn (*Plantago sp.*), 90 seeds per pound;
Radish (*Raphanus raphanistrum*), 27 seeds per pound;
Toadflax, yellow (*Linaria vulgaris*), one seed per pound;
Vetch, tufted (*Vicia cracca*), two seeds per pound; and

Wild Buckwheat (*Polygonum convolvulus*), two seeds per pound. (In effect before 7/28/59; am 3/2/78, Reg. 65; am 10/28/83, Reg. 88)

Authority: AS 03.05.010
AS 03.05.030
AS 44.37.030

34.030. WEED SEED AS AGRICULTURAL SEED

The following seeds, when occurring incidentally in agricultural and vegetable seeds, are classed as weed seeds, except when sold alone or as a specific constituent of a definite seed mixture:

Black Medic (*Medicago lupulina*);
Cardoon (*Cynara cardunculus*);
Dandelion (*Taraxacum species*);
Lupine (*Lupinus species*);
Pigweed (*Amaranthus species*);
Radish (*Raphanus sativus*);
Rape (*Brassica campestris and napus*);
Sunflower (*Helianthus annuus*);
Yarrow (*Achillea millefolium*); and
Tufted Vetch (*Vicia cracca*). (in effect before 7/28/59; am 3/2/78, Reg. 65; am 10/28/83, Reg. 88)

Authority: AS 03.05.010
AS 03.05.030
AS 44.37.030

34.033. CERTIFIED SEED POTATOES. *Repealed 10/28/87.*

34.040.SAMPLING PROCEDURE FOR PURITY AND GERMINATION TESTS

(a) A sample of seed chosen by an authorized agent of the Division of Agriculture for the purpose of determining whether or not the seed meets the requirements of this chapter is known as an "official sample," and must be drawn in a manner to represent as nearly as possible the entire lot from which it is taken.

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(b) Official samples of seed shall be taken according to procedures which conform as nearly as practicable to those used by the United States Department of Agriculture pursuant to 7 CFR 201.39—201.44. (in effect before 7/28/59; am 3/2/78, Reg. 65)

Authority: AS 03.05.010

AS 03.05.030

AS 44.37.030

34.045. DUTIES AND AUTHORITY OF THE DIRECTOR.

(a) The duty of enforcing this chapter and of carrying out Its provisions and requirements is vested in the director. The duties and authority of the director include the following:

(1) to sample, inspect, make analyses of, and test any agricultural or vegetable seed held, transported, sold, offered, or exposed for sale within the state for planting purposes, at the time, place, and the extent as the director may find necessary to determine whether the seed is in compliance with this chapter;

(2) to sample, inspect, make analyses of any tree, shrub, or flower seed held, transported, sold, offered, or exposed for sale within the state for planting purposes, at the time, place, and the extent as the director may find necessary to determine whether the seed is in compliance with this chapter;

(3) to issue and enforce a written or printed stop sale order or to issue a violation notice, whichever the director determines applicable, to the possessor or owner of any lot of agricultural, vegetable, tree, shrub, or flower seed which is found to be in violation of this chapter; and

(4) to prohibit the further sale, processing, or movement of seed, except on approval of the director, until evidence is obtained that shows that the requirements of this chapter have been complied with and a release from the stop sale order has been issued for the seed.

(b) When seed is denied further sale, processing, or movement under (a)(3) and (4) of this section, the owner or possessor of the seed has the right to appeal to a court of competent jurisdiction in the locality in which the seeds were found in violation, asking for a judgment as to the justification of the order and for the discharge of the seed from the order prohibiting the sale, processing, or movement, in accordance with the findings of the court.

(c) The provisions of (a)(3) and (4) of this section do not limit the right of the director to proceed as authorized by other sections of this chapter.

(d) For the purpose of carrying out the provisions of this chapter, the director or his authorized agents, may

(1) enter upon any public or private premises during regular business hours in order to access seeds and associated records maintained under this chapter, and any truck or other conveyer by land, water, or air at any time when the conveyer is accessible, for the same purposes; and

(2) either alone or in the presence of a representative or employee of the person whose premises are entered, examine and inspect any agricultural, vegetable, tree, shrub, or flower seed in possession, offered, or exposed for sale for planting purposes in this state, for compliance with this chapter.

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(e) A sample taken under this section, and the report showing the results of the official test made on a sample, is prima facie evidence of the true condition of the entire lot from which the sample was taken.

(f) A copy of the results of any seed test from a sample taken under this section may be mailed to any person or his authorized representative, known to own, possess, or hold the seed from which the sample was taken. (Est. 10/28/83, Reg. 88)

Authority: AS 03.05.010
AS 03.05.030
AS 03.05.040
AS 03.05.050
AS 44.37.030

34.050. GERMINATION AND PURITY TESTS

Germination and purity tests of seeds must be conducted according to procedures which conform as nearly as practicable to those used by the United States Department of Agriculture pursuant to 7 CFR 201.59 -201.66 (Eff. 3/2/78, Reg. 65)

Authority: AS 03.05.010
AS 03.05.030
AS 44.37.030

34.060. LABORATORY FEES AND SCHEDULE

(a) Germination and purity tests are performed at the Alaska Seed Testing Laboratory.

(b) State residents may submit seed samples for routine testing free of charge if the samples are limited to three per year per person and are submitted before April 15 of the year.

(c) Samples submitted by residents in excess of three per year or after April 15, or submitted by nonresidents will be charged a service fee as determined by the director.

(d) Samples submitted by residents and nonresidents for germination tests requiring tetrazolium procedures will be charged a service fee to be determined by the director according to a fee schedule based upon the difficulty of the species being tested. (Est. 3/2/78, Reg. 65)

Authority: AS 03.05.010
AS 03.05.030
AS 44.37.030

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34.070. CODE OF FEDERAL REGULATIONS

Except where in conflict with specific provisions of this chapter, the rules, regulations, and recommendations pertaining to sampling procedures and germination and purity testing procedures and standards contained in 7 CFR 201.39 - 201.44 and 201.59 - 201.66 are adopted by reference and made part of this chapter. Copies of these provisions may be obtained from the U.S. Government Printing Office, North Capitol and H Streets, Washington, D.C. 20540. Any reference in these provisions to U.S. Government officials and agencies shall be construed to refer to the corresponding officials and agencies of the State of Alaska. (Est. 3/2/78, Reg. 65)

Authority: AS 03.05.101
AS 03.05.030
AS 44.37.030

Editor's Note: These regulations are adopted by reference. The official Rules and Regulations under the Federal Seed Act are published by the U.S. Department of Agriculture and are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C.

34.075. PROHIBITED ACTS

(a) No person may sell, offer for sale, expose for sale, or transport for use in planting in the state any agricultural or vegetable seed that:

(1) unless except under 11 AAC 34.010(h), has not been labeled as otherwise required by 11 AAC 34.010;

(2) bears a false or misleading label;

(3) contains any prohibited noxious weed seed, except as provided in (g) of this section;

(4) contains any restricted noxious weed seed in excess of the permissible tolerance per pound established under 11 AAC 34.020(b), except as allowed in (g) of this section; or

(5) has not been tested within the 18 months preceding the sale, offering, or exposure for sale, or transportation, not including the calendar month in which the test was completed, except for hermetically sealed containers under 11 AAC 34.010(g)(3), and except that

(A) the director may establish by administrative order a shorter period for kinds of seed which he finds, under ordinary conditions of handling, will not maintain a germination within the established limits of tolerance during the prescribed time period, or a longer period for kinds of seed which are packaged in a container and under conditions as the director may determine will, during a longer period, maintain the viability of the seed under ordinary conditions of handling;

(B) a person in possession of seed shall keep on file, available for department inspection, the original or duplicate copy of the latest test made of the seed which must show, in addition to the information required by this chapter, the date and name of the person making the test.

ARTICLE 1. SEED REGULATIONS

(b) No person may substitute uncertified seed for certified seed.

(c) No person may use tags or seals indicating certification other than as prescribed by the authorized certification agency unless the tuber, horticultural, vegetable, tree, shrub, flower, or cereal grain seed has been produced, tested, examined, and labeled in accordance with this chapter or the official certification agency of another state, territory, or country. No person may

(1) sell, offer for sale, expose for sale, advertise, or transport any tuber, plant, or seed, falsely representing it to be certified; or

(2) use in connection with a tuber, plant, or seed any tags or seals similar to those used in official certification as established by this chapter.

(d) No person may hinder or obstruct in any way, any authorized person in the performance of his duties under this chapter.

(e) No person may sell, offer, or expose for sale, plant, transport, or process any seed that is under a stop sale order issued under 11 AAC 34.045(a)(3) or that is in violation of this chapter, without express approval of the director.

(f) No person may plant in this state any agricultural, vegetable, tree, shrub, or flower seed containing any prohibited noxious weeds listed in 11 AAC 34.020(a) or any restricted noxious weeds in excess of the maximum allowable tolerances listed in 11 AAC 34.020(b), except as provided in 11 AAC 34.030, without expressed written approval of the director, or as provided in (g) of this section.

(g) No person may use, sell, offer, expose for sale, give away, or transport for feeding, seeding, or mulching purposes any seed or grain screenings containing any prohibited noxious weed seed listed in 11 AAC 34.020(a) or any restricted noxious weeds in excess of the maximum allowable tolerances listed in 11 AAC 34.020(b), except as provided in 11 AAC 34.030, and except that the director may allow sale or transport of screenings for

(1) complete destruction;

(2) removal outside of the boundaries of the state;

(3) recleaning to the point of being in compliance with 11 AAC 34.020(a) and (b); or

(4) processing to make the weed seed nonviable.

(h) No person may sell, offer, or expose for sale for seeding purposes, seed containing more than one and one-half percent by weight of all weed seed.

(i) No person may sell, offer for sale or transportation, or transport a container or package of seed within this state unless the container or package of seed is labeled with a net contents statement, expressed by either weight, volume, or numerical count, except for seed being transported from an owner's field to a warehouse for storage, cleaning, or processing.

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(j) No person may sell, offer for sale, or represent potatoes as seed potatoes unless the potatoes have been certified by the official seed certifying agency of the state or country of origin. (Eff. 10/28/83, Reg. 88; am 10/28/87, Reg. 104)

Authority: AS 03.05.010
AS 03.05.030
AS 44.37.030

34.077. WEED SEEDS IN SHIPMENT

Whenever anything brought into a part of the state from another part of the state or from any other state or foreign country is found to be infested with the seed of any prohibited noxious weed, the director will notify the owner or bailee of the shipment to return it to the point of shipment within 48 hours, and the owner or bailee of the shipment shall return it he shipment shall return it.

If the director determines that the seeds can be destroyed by treatment, the shipment may, at the option and expense of the owner or bailee, be treated under the supervision of the director, and may be released after treatment. (Eff. 10/28/83, Reg. 88)

Authority: AS 03.05.010
AS 03.05.030
AS 44.37.030

34.080. PENALTIES

Penalties for violation of this chapter are as provided in AS 03.05.090. (Eff. 10/28/83, Reg. 88)

Authority: AS 03.05.010
AS 03.05.030
AS 05.05.090

34.085. WHEN PENALTIES NOT APPLICABLE

No person may be subjected to the penalties of AS 03.05.090 for selling, offering, exposing for sale, or transporting in this state any agricultural or vegetable seed that

(1) Is incorrectly labeled or represented as to kind and variety or origin, which seed cannot be identified except by a field test, when that person

(A) obtains an invoice or grower's declaration stating the kind, or kind and variety, and origin, If required;

(B) takes an invoice or grower's declaration in good faith; and

(C) takes other precautions as are reasonable to insure the identity of the seeds to be as stated;

(2) does not conform to the label on the container, but is within the tolerances authorized by the director under this chapter; or

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(3) Is in violation of this chapter, but is allowed sale or movement under specific written permission of the director. (Eff. 10/28/83, Reg. 88)

Authority: AS 03.05.010
AS 03.05.030
AS 44.37.030

34.090. RECORDS

Each person whose name appears on the label as handling agricultural or vegetable seed subject to this chapter shall keep for a period of two years complete record of each lot of agricultural or vegetable seed handled, and shall keep for two years a file sample of each lot of seed after final disposition of the lot. All records and samples pertaining to the shipment or shipments involved shall be accessible for inspections by the director or his designated agent during customary business hours. (Eff. 10/28/83, Reg. 88)

Authority: AS 03.05.010
AS 03.05.030
AS 44.37.030

ARTICLE 4. GENERAL PROVISIONS

34.400. DEFINITIONS

The terms used in this chapter are construed to conform insofar as possible with the terms used in the Federal Seed Act (7 U.S.C. 1551 et seq.) and the regulations issued under that Act. Unless the context indicates otherwise, in this chapter

(1) "advertisement" means representation other than those on the labels, disseminated in any manner or by any means relating to seed within the scope of these regulations;

(2) "agricultural seeds" means the seeds of all domesticated grasses and cereals, and of all legumes and other plants grown as turf, cover crops, forage crops, fiber crops or field crops and mixtures of the seeds;

(3) "appliance" means any box, tray, container, ladder, tent, vehicle, implement, or any other article which is or may be used in connection with the planting, growing, harvesting, handling or transportation of any agricultural commodity;

(4) "bailee" means a person who by warehouse receipt, bill of lading, or other document of title acknowledges possession of goods and contracts to deliver them;

(5) "certified" as applied to bulblets, tuber, or horticultural plants or to agricultural, vegetable, tree, shrub, flower, or cereal grain seed, means inspected and labeled by and in accordance with the standards and rules and regulations of the official certification agency or in accordance with similar standards established by a similar authority in another state, country, or territory;

(6) "certified seed potatoes" means potatoes used for planting a crop that has been officially certified as "foundation seed" or "certified seed" by an authorized inspector, in a manner approved by the director, or, in the case of seed imported into the state, meets the certification standards of the Association of Official Seed Certifying Agencies;

(7) "commercial production" means products not grown exclusively for use or consumption by the producer;

(8) "director" means the Director of the Division of Agriculture of the State of Alaska or the director's authorized agent;

(9) "flower seed" includes seed of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts and commonly known and sold under the name of flower seed in this state;

(10) "labelling" means all labels and other written, printed, or graphic representations in any form whatsoever, whether attached to, or accompanying and pertaining to any seed, whether in bulk or in containers and includes invoices;

(11) "lot" means a definite quantity of seed identified by a lot number or other mark, every portion of which is uniform within the recognized tolerances for the factors which appear in the labeling;

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(12) "mixed agricultural seeds" means any lot of seeds that contains five percent or more by weight of each of two or more kinds of agricultural seeds;

(13) "noxious weed" means any species of plants, either annual, biennial, or perennial, reproduced by seed, root, underground stem, or bulblet, which when established is or may become destructive and difficult to control by ordinary means of cultivation or other farm practices; or seed of such weeds that is considered commercially inseparable from agricultural or vegetable seed;

(14) "nursery stock" means any plant for planting, propagation or ornamental use;

(15) "other crop seed" means that part of a lot or sample of seed that consists of the seed of cereal grain and agricultural and vegetable seeds other than those named on the label;

(16) "packer" means the person or firm putting the seed into its final container in preparation for sale as seed;

(17) "person" means any individual, partnership, corporation, company, society, association, or cooperative;

(18) "pest" means any form of animal life, any form of plant life, or any infectious transmissible, or contagious disease of plants, that is or is liable to be dangerous or detrimental to the agricultural industry of the state;

(19) "plant" means any whole or part of plants, trees, shrubs, vines, fruits, vegetables, seeds, bulbs, stolons, tubers, corms, pips, cuttings, scions, buds, grafts, fruit pips, and articles made from plants;

(20) "pure seed," "germination," and other seed labeling and testing terms in common use are defined as the terms are defined in the Rules for Seed Testing (Volume 6, #2, 1981) published by the Association of Official Seed Analysts, Stone Printing Company, Lansing, Michigan, and in the Federal Seed Act (7 U.S.C. 1551 et seq.) and the regulations promulgated under it (7 C.F.R. 201 et seq.);

(21) "restricted noxious weed seed" means the seed of weeds which are very objectionable in fields, lawns, and gardens of this state, but can be controlled by good cultural practices;

(22) "shipments" means any article or thing, which may be, is being, or has been transported from one place to another place;

(23) "tree and shrub seed" means seed of woody plants commonly known and sold as tree and shrub seeds in this state;

(24) "vegetable seeds" means the seeds of all crops which are being grown or which may be grown in gardens, privately or commercially, and which are generally known and sold under the name of vegetable seeds; and

(25) "weed seed" as used means any restricted noxious weed seed and any seed not Included In the definition of agricultural seed when occurring Incidentally in agricultural or vegetable seeds. (In effect before 7/28/59; am 3/2/78, Reg. 65; am 10/28/83, Reg. 88)

Authority: AS 03.05.010

AS 03.05.030

AS 44.37.030